

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 597 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? Yes
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
2 to 5 No

ABBUBHAI HIRABHAI BARIYA

Versus

STATE OF GUJARAT

Appearance:

MR KB ANANDJIWALA for Petitioner

Mr. K.T. Dave, APP for Respondent No. 1

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 06/03/98

ORAL JUDGEMENT

1. Heard Mr. K.B. Anandjiwala, learned Advocate for the petitioner. Rule. Mr. K.T. Dave, learned APP waives service of Rule on behalf of the State.

3. The parties do not press for reasoned order.

4. Having regard to the facts and circumstances

apparent from the record and the submission urged at the Bar the petition is allowed and petitioner is ordered to be released on Bail on executing a bond of Rs.5,000/- (Rupees five thousand only) and also furnishing two surety for the like amount to the satisfaction of the lower court and subject to the conditions stated hereunder:

- (a) not take undue advantage of his liberty or misuse his liberty;
- (b) not act in a manner injurious to the interest of the prosecution;
- (c) maintain law and order;
- (d) mark his presence before Malkpur Police Station on 1st and 15th of every month between 9.00 a.m. and 2.00 p.m.

5. If breach of any of the above conditions is committed, the Sessions Judge at Sabarkantha will be free to issue warrant or take appropriate action in the matter.

Bail before the lower Court having jurisdiction to try the case.

Rule is made absolute. Direct service is permitted.

p.n.nair